

PATENT APPLICATION

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of

Docket No: Q83591

Mie YOSHIMURA, et al.

Appln. No.: 10/509,596

Group Art Unit: 1794

Confirmation No.: 8356

Examiner: Andrew T. Piziali

Filed: September 29, 2004

For: IDENTIFYING MARKER, IDENTIFYING METHOD FOR IDENTIFYING MARKER,
IDENTIFYING SYSTEM FOR IDENTIFYING MARKER, AND METHOD OF
PROVIDING IDENTIFICATION SERVICE

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF
UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief 37 C.F.R. § 41.37 dated June 19, 2009, Appellant submits the following replacement Section III which obviates the deficiencies noted in the Notification.

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III. STATUS OF CLAIMS

Claims 1, 3 - 11, and 13 - 28 are pending in the application.

Claims 11 and 13 - 28 are withdrawn.

Claims 1 and 3 - 10 are rejected.

Claims 2 and 12 are canceled.

This is an appeal from the Examiner's rejection of claims 1, 3 - 5, 8, and 9 under 35 U.S.C. § 102(b), as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103(a) for alleged obviousness with respect to Asano (WO 98/46815), where U.S. Patent No. 6,430,348 is cited as a translation document. This is furthermore an appeal from the Examiner's rejection of claim 6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Asano (WO 98/46815), as applied to claims 1, 3 - 5, 8, and 9 above, and further in view of Hamajima (U.S. Patent Application Publication No. 2002/0016117). This is furthermore an appeal from the Examiner's rejection of claim 7 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Asano (WO 98/46815) in view of Hamajima, as applied to claims 6 above, and further in view of Springer (U.S. Patent No. 4,419,479). This is furthermore an appeal from the Examiner's rejection of claim 10 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Asano (WO 98/46815), as applied to claims 1, 3 - 5, 8, and 9 above.

RESPONSE TO NOTIFICATION OF NON-COMPLIANT
APPEAL BRIEF UNDER 37 C.F.R. § 41.37
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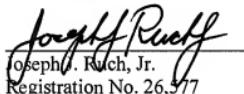
Attorney Docket No.: Q83591

REMARKS

Submitted herewith is replacement Section III. Status of Claims, which addresses the status of all claims, including canceled claims 2 and 12. Applicants respectfully submit that based on this Response, the Appeal Brief now fully complies with the requirements of 37 C.F.R. § 41.37(c)(1)(iii), and therefore requests the Examiner's further consideration.

Applicants submit that no fee is due, but if necessary the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


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Date: June 26, 2009